

CITY OF KIRKLAND

123 FIFTH AVENUE • KIRKLAND, WASHINGTON 98033-6189 • (425) 587-3225

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ADVISORY REPORT

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director

From: Ronald Hanson, Project Planner (Consultant) *RH*
Dawn Nelson, AICP, Planning Supervisor *DN*

Date: November 14, 2007

File: WOODY SHORT PLAT, SPL07-00026

I. INTRODUCTION

A. APPLICATION

1. Applicant: Kevin Woody
2. Site Location: 12420 NE 70th Court (See Vicinity Map, Attachment 1)
3. Request: Subdivide a developed 29,371 square feet (.67 acres) single family zoned site in the single-family RSX 7.2 zone into two single-family lots. Proposed Lot 1 is 14,504 square feet and Lot 2 is 14,867 square feet. There is an existing single family home on the eastern portion of the site, on proposed Lot 2, that the applicant is proposing to retain (See Attachments 2a-b).
4. Review Process: Short Plat, Planning Director decision.
5. Summary of Key Issues and Recommendations: The key issues in consideration of this short plat are compliance with established development regulations, deviation from the access easement requirements, and notification of Seattle City Light of proposed improvements within their Transmission Line Easement (See Attachment 3, Development Regulations, Section II.A, Section II.E.2, and Section I.B. Recommendations).

B. RECOMMENDATIONS

Based on Findings of Fact and Conclusions (Section II), and the Attachments included in this report, city staff recommends approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (See Conclusion II.G.2).

2. Trees shall not be removed or altered following short plat approval, except as approved by the Planning Department. Attachment 3, Development Standards, contains specific information concerning tree retention requirements (See Conclusion II.E.1.b).
3. Prior to recording the short plat with King County, the applicant shall:
 - a. Notify Seattle City Light by certified mail, return receipt requested, of their plans to subdivide the property and install improvements, with a copy of the notice and return receipt provided to the City. If the applicant does not provide documentation of SCL approval before recording the short plat or installation of the improvements in a form acceptable to the City, the property owner shall also sign an agreement to defend, indemnify, and hold the City harmless in the event that a dispute arises between SCL and the developer, property owner, or future property owners (See Conclusion II.A.1.b).
 - b. Show the gross and net lot areas of both lots on the short plat (See Conclusion II. A.1.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: The short plat site is 29,371 square feet (.67 acres). The site is “L” shaped, with an approximate north/south dimension of 190 feet along the east property line and 89 feet along the west property line. The approximate east/west dimension along the south property line is 224 feet.
- (2) Land Use: The site is currently developed with a single family home located on the east side of the site on proposed Lot 2 that the applicant is proposing to retain. The existing house and associated site development will meet the applicable FAR, site coverage, and structure setback requirements on proposed Lot 2.

The City of Seattle has a Transmission Line Easement on the west 25 feet of the site, located on proposed Lot 1. The applicant will be installing short plat improvements within the easement area (See Attachments 2a-b).

- (3) Zoning: RSX 7.2, a single-family residential zone with a minimum lot size of 7,200 square feet. The gross area of proposed Lot 1 is 14,504 square feet, and the gross area of proposed Lot 2 is 14,867 square feet. Access to the subject site and the three developed lots to the east is from a 30 foot wide access easement (NE 70th Court) across the south side of the subject site and the two adjoining lots to the east (See Attachments 2a-c).

Pursuant to Kirkland Subdivision Code Section 22.28.080, the area of the access easement is not included in the proposed lot areas since the access easement is serving more than one lot that does not abut a public right-of-way. The area of the access easement on proposed Lot 1 is 4,451 square feet, and the area of the access easement on proposed Lot 2 is 2,424 square feet. Therefore, the area of proposed Lot 1 is reduced from 14,504 gross square feet to 10,053 net square feet, and the area of proposed Lot 2 is reduced from 14,867 gross square feet to 12,443 net square feet.

- (4) Terrain: The site is generally level except for an isolated narrow section of slope along the north side of proposed Lot 1 and the central portion of Lot 2. The slope in this area is approximately 40 percent. The site generally slopes down from the south property line from an approximate elevation of 470 to the north property line at an approximate elevation of approximately 458 feet. The average grade across the entire site is approximately 6 percent (See Attachment 2a).
- (5) Vegetation: There are 26 significant trees on the site. Other vegetation on the site consists of trees of less than significant size, undergrowth, lawn and other residential landscaping (See Attachments 2a, 3, and 6, and Section II.E.1).

- b. Conclusions: Size, terrain, and vegetation are not constraining factors in this application. Land Use is not a constraining factor provided that Seattle City Light approves of the installation of the proposed improvements in their easement in writing, or the applicant sign a City of Kirkland Hold Harmless Agreement. Zoning is not a constraining factor provided that both the gross and net lot areas are shown on the recorded short plat.

2. Neighboring Development and Zoning:

- a. Facts: The subject property is surrounded by the following uses:

North: The area is zoned RSX 7.2 and is developed with single family homes.

South: The area is zoned RSX 7.2 and is developed with single family homes.

East: The area is zoned RSX 7.2 and is developed with single family homes.

West: To the west is 124th Avenue NE and an area zoned RSX 7.2 developed with single family homes.

- b. Conclusion: The neighborhood development and zoning are not constraining factors in this short plat.

B. HISTORY

- 1. Facts: The site consists of Parcel B of Lot Line Adjustment LLA06-00010. The Lot Line Adjustment, which was recorded on August 9, 2006, revised the common property line between the subject site and the property to the north (See Attachment

- 4). There are no known historical land use actions that would affect the review of the short plat.
2. Conclusion: The subject short plat application is being processed under current Zoning and Subdivision regulations that apply to the property. The short plat will comply with all zoning, subdivision and municipal code requirements currently in effect in order to receive approval (See Section II.D). History is not a constraining factor in this application.

C. PUBLIC COMMENT

The public comment period for the short plat extended from September 27, 2007 to October 15, 2007. The Planning Department received one comment letter during the above comment period from Varie and Dewey Prussess who resides at 7034 124th Avenue NE, directly north of proposed Lot 1 of the short plat site (See Attachment 5).

Two issues are raised in the letter. The first is related to potential drainage impacts of the proposed development on their property, and the second issue relates to potential loss of their privacy if the existing trees are removed along the north side of proposed Lot 1.

Staff Response: All phases of the proposed development must comply with the temporary and permanent storm water control requirements of the 1998 King County Surface Water Design Manual. Approved construction drainage control will be maintained by the developer and will be subject to periodic inspections. Storm water conveyance is required for each house, driveway, and the access road. See Attachment 3, Surface Water Conditions, for a list of the specific storm water requirements.

There are a total of 26 significant trees on the short plat site, 11 of which are located on the north end of proposed Lot 1, and directly west of the existing home on proposed Lot 2. It does not appear that any of these trees will need to be removed for the installation of the required short plat improvements. However, some of these trees may need to be removed with the future construction of a house on Lot 1. City staff will work with the applicant at the time of review of the required building permit to design and site the house and other improvements to save as many of the trees on the site as possible. All future development must comply with the City of Kirkland tree preservation requirements contained in the Kirkland Zoning Code. See Attachments 2, 3, 6, and Section II.E.1 for further discussion of the tree preservation requirements.

D. APPROVAL CRITERIA

1. Facts: Municipal Code Section 22.20.140 states that the Planning Director may approve a short subdivision only if:
 - a. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 - b. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code Section 145.45 states that the Planning Director may approve a short subdivision only if:

- a. It is consistent with all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.
2. Conclusion: The proposal complies with Municipal Code Section 22.20.140 and Zoning Code Section 145.45. It is consistent with the Comprehensive Plan (See Section II.F). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (See Section II. D) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because the proposal will contribute to the housing stock of the community in a manner that is consistent with the Comprehensive Plan.

E. DEVELOPMENT REGULATIONS

1. Natural Features - Significant Vegetation

a. Facts:

- 1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all viable trees on the site following the short plat approval. Tree removal will be considered at the land surface modification and building permit stages of development.
- 2) The applicant has submitted a Tree Plan III, prepared by a certified arborist (See Attachment 6). Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 3, Development Standards.

- b. Conclusions: The applicant has provided a Tree Plan III with the short plat application and this plan has been reviewed by the City's Arborist. The applicant should retain all viable trees during the construction of plat improvements and residences and comply with the specific recommendations of the City's arborist.

2. Access Required

- a. Facts: Municipal Code Section 22.28.110 requires that if vehicular access within a plat is provided by means other than rights-of-way, the plat must establish easements or tracts that will provide the legal right of access to each of the lots served. The City may require that the legal right of access be granted to other adjoining properties in order to provide a safe and efficient circulation system within the City. For an access road required by the Fire Department that is greater than 200 feet in length and serves three or four detached dwelling units or two duplex structures, Kirkland Zoning Code Section 105.10.1.3) requires a minimum of 20 feet of pavement within a 25 foot wide easement or tract with an appropriate Fire Department vehicle turn-around. The access road shall extend the full width from the public right-of-way to the point at which the distance to the most distant point of the property line of the furthest lot (Lot 2) is within 150 feet.

The existing 30 foot wide access easement along the south property of the site will serve a total of 4 homes that do not abut a public right-of-way. They include the existing home on proposed Lot 2, and the three existing homes located east of the short plat site. The paved roadway within the easement is setback a minimum of 5 feet from the south property line, and ranges in pavement width from approximately 18 to 20 feet. A Fire Department turn around (Hammerhead) is located on the second lot to the east (See Attachment 2c). The applicant has requested to continue use of the existing access road without any changes to the pavement width to make it 20 feet wide at all points.

Zoning Code Section 105.103.3 (Modifications) states that the Planning Official may require or grant a modification to the above improvement requirements if the applicant demonstrates that the criteria listed below have been met.

To grant a modification, the following criteria are required to be met:

- a. *The modification will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and*

All emergency vehicle service and other essential services will be provided adequately from the existing 18-20 foot wide paved access road. The Public Works Department is recommending that the driveways for each of the lots be long enough so that parked cars do not extend into the access easement (See Fire Department and Public Works Department Development Standards, Attachment 3).

- b. *One of the following requirements is met:*

- i. *The modification is necessary because of preexisting physical conditions; or*
- ii. *The modification will produce a site design superior to that which would result from adherence to the adopted standard.*

The proposed modification is requested due to preexisting physical conditions on the site. The existing 18-20 foot wide paved access road in the 30 foot wide access and utility easement currently provides access to the existing home on proposed Lot 2, and the three existing homes located east of the short plat site. With the approval of the short plat, the roadway will only serve one additional home on proposed Lot 1, which borders 124th Avenue NE.

- b. Conclusions: The Public Works, Fire and Planning Departments have reviewed the proposal and find that it meets the above Zoning Code requirements. Increasing the roadway width by 2 feet along segments of the existing roadway would not improve emergency or other vehicular access to the site or to the adjacent lots to the east. The applicant should follow the requirements set forth in Attachment 3, Development Standards regarding recommended public street improvements, and providing driveways of sufficient length so that parked cars do not extend into the access easement and right-of-ways.

F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the South Rose Hill Neighborhood. The Land Use Plan on page XV.G-7, Figure SRH-3, designates the subject property for

low-density residential, 6 dwelling units per acre (See Attachment 7). The proposed density is approximately 3 dwelling units per acre.

2. Conclusion: The proposal is consistent with the Comprehensive Plan designation.

G. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. SUBSEQUENT MODIFICATIONS

Modifications to approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

1. Appeal to the Hearing Examiner:

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless the party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., Dec. 10, 2007, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VI. APPENDICES

Attachments 1 through 7

1. Vicinity Map
2. Site Maps
 - a. Boundary and Topographic Survey
 - b. Short Plat
 - c. Short Plat Site and Adjacent Parcels
3. Development Standards
4. Lot Line Alteration (LLA06-00010)
5. Letter from Varie and Dewey Prussess
6. Arborist Reports prepared by International Forestry Consultants, Inc. dated June 1, 2007
7. South Rose Hill Neighborhood Land Use Plan on Page XV.G-7, Figure SRH-3

VII. PARTIES OF RECORD

Kevin Woody, P.O.Box 2518, Woodinville, Wa. 98072
Varie and Dewey Prussess, 7034 124th Avenue NE, Kirkland, Wa. 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Review by Planning Director:

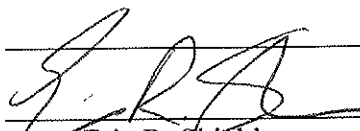
I concur

☒

I do not concur

☐

Comments: _____


Eric R. Shields

11/21/07
Date

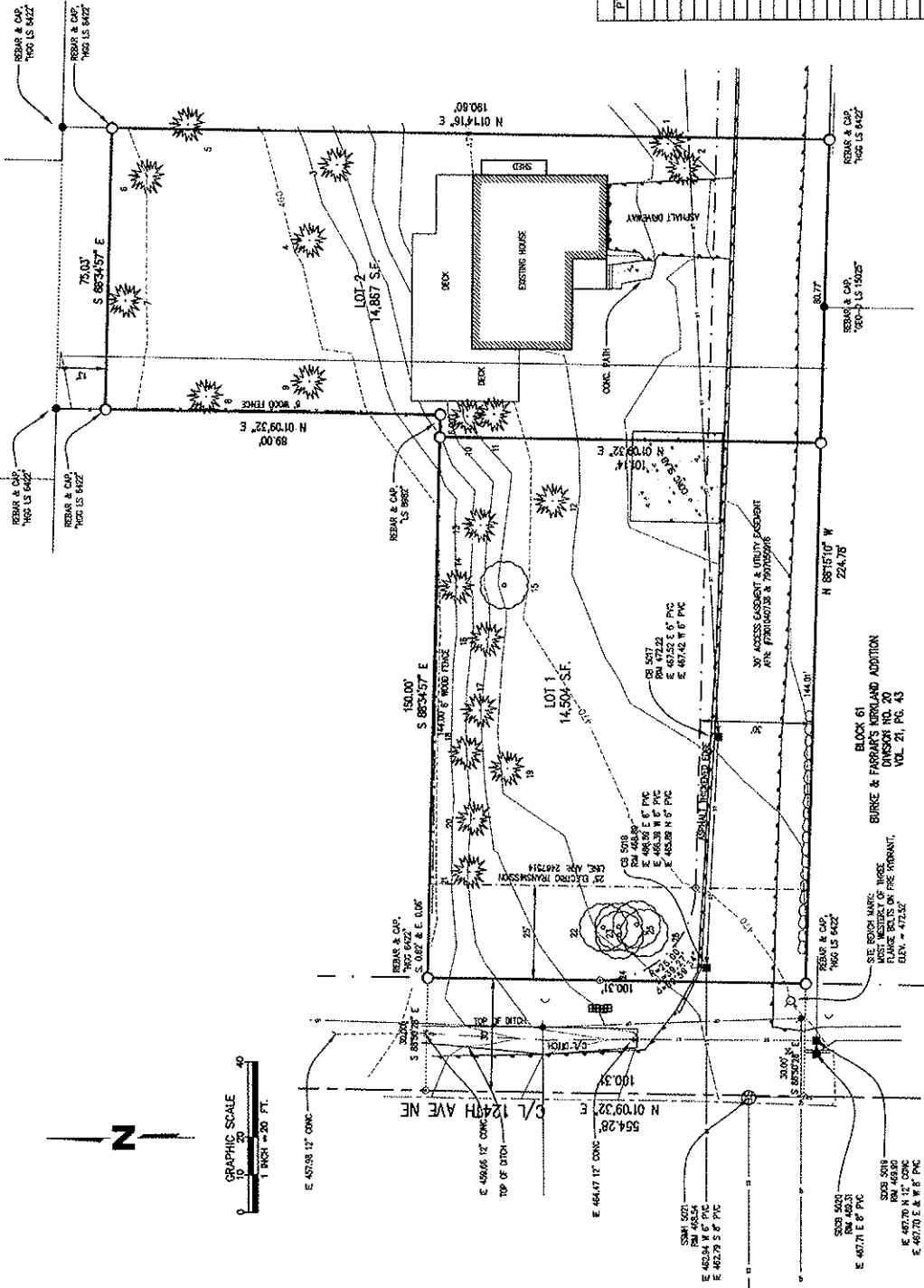
5PL07-60026

NOT TO BE RECORDED

WOODY SHORT PLAT

A Portion of the SW Quarter of the NE Quarter of
Section 9, Township 25 North, Range 5 East, W.M.,
King County, Washington

SHORT PLAT
CITY OF KIRKLAND
FILE NO. SPL-XX-XXXXXX



APPLICANT INFORMATION:

NEVA WOODY
R. WOODY
WOODVILLE, WA 98072
LOT 1: 14,504 S.F. (MIN. 7,200 S.F.)
LOT 2: 14,867 S.F. (MIN. 7,200 S.F.)
TOTAL SQUARE FOOTAGE: 29,371 S.F.

ZONING:

DETACHED SINGLE FAMILY RESIDENTIAL
ZONED AS RSX7.2

LEGEND:

- ⊙ CALCULATED POSITION
- SET REBAR AND CAP, LS 38016
- REBAR, FOUND AS NOTED

ABBREVIATIONS:

APN ... AUDITOR'S FILE NUMBER
C/L ... CENTERLINE
L.S. ... LICENSED SURVEYOR
NTS ... NOT TO SCALE
R/W ... RIGHT OF WAY
W.M. ... WILLAMETTE MERIDIAN
P.I. ... POINT OF INTERSECTION
S.F. ... SQUARE FEET
MRL ... MINIMUM

PT NO.	DESCRIPTION	DIAMETER
1	BIRCH	1.3"
2	MAPLE	6"
3	CEDAR	34"
4	CEDAR	34"
5	CEDAR	34"
6	CEDAR	34"
7	CEDAR	40"
8	CEDAR	42"
9	CEDAR	41"
10	CEDAR	23"
11	CEDAR	27"
12	HEMLOCK	26"
13	FR	1.3"
14	FR	11"
15	ALDER	19"
16	FR	14"
17	FR	9"
18	FR	12"
19	FR	11"
20	FR	11"
21	FR	19"
22	MAPLE	23"
23	MAPLE	11"
24	MAPLE	13"
25	MAPLE	16"
26	MAPLE	15"

DRS D.R. STRONG
CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
10804 NE 38th PLACE, SUITE 101
KIRKLAND, WA 98033
425.827.2083 OFFICE
800.962.1403 TOLL FREE
425.827.2423 FAX
www.drsstrong.com

WOODY SHORT PLAT

SW 1/4, NE 1/4, SEC 9, T.25 N. R.5 E., W.M.
DWL BY: DATE: JOB NO.:
EJS 10/18/07 07069.500
CHKD BY: SCALE: SHEET:
WBR 1"=20' 1 OF 1



ATTACHMENT

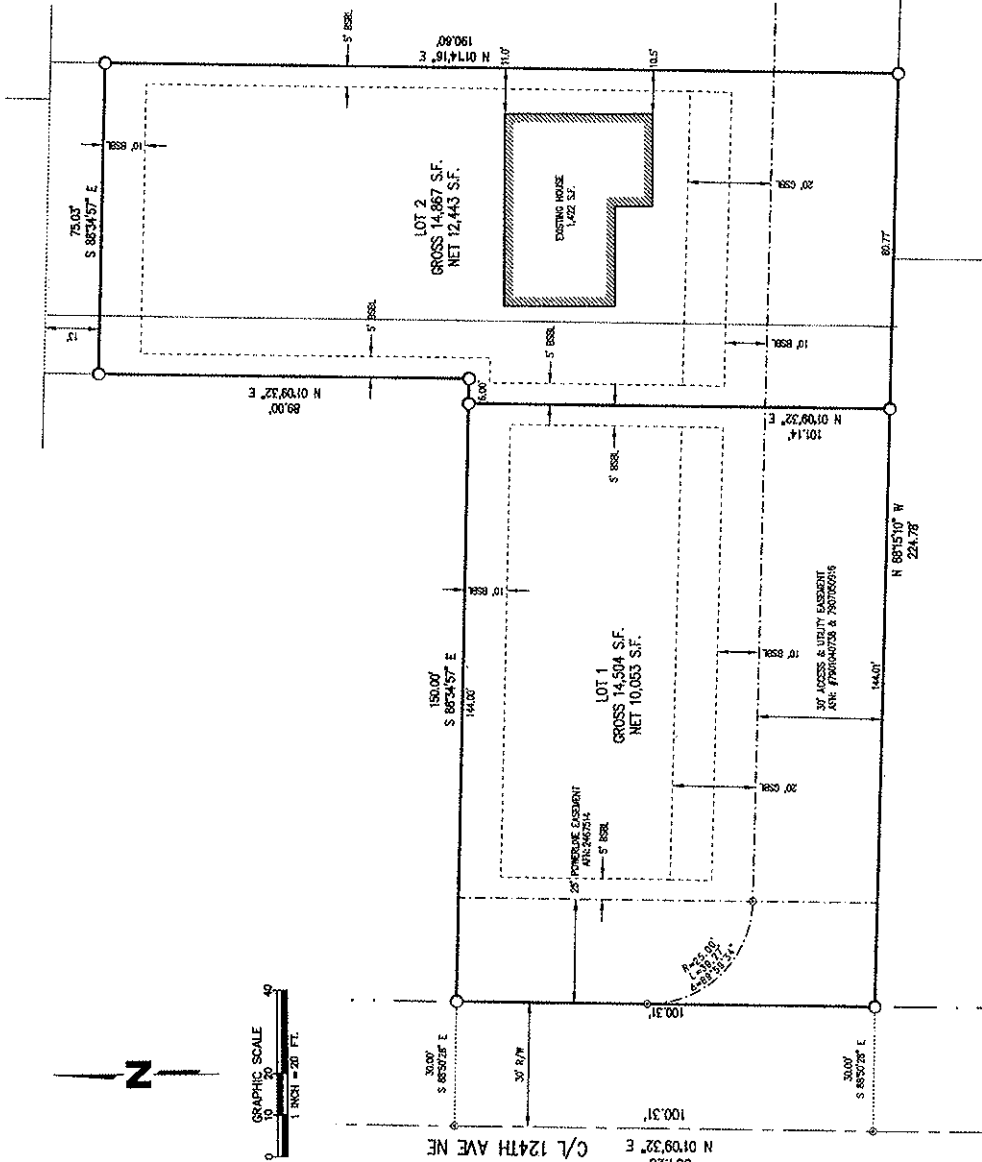
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SPL07-00026

WOODY SHORT PLAT

A Portion of the SW Quarter of the NE Quarter of
Section 9, Township 25 North, Range 5 East, W.M.,
King County, Washington

SHORT PLAT
CITY OF KIRKLAND
FILE NO. SPL-XX-XXXXXX



APPLICANT INFORMATION:

KEVIN WOODY
P.O. BOX 2518
WOODINVILLE, WA 98072

LOT 1: 14,504 S.F. (MIN. 7,200 S.F.)
LOT 2: 14,867 S.F. (MIN. 7,200 S.F.)
TOTAL SQUARE FOOTAGE: 29,371 S.F.

ZONING:

DETACHED SINGLE FAMILY RESIDENTIAL ZONED AS RSX7.2

SHORT PLAT NOTES:

UTILITY MAINTENANCE:

EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER SYSTEM SERVING THE LOT. THE SANITARY SEWER OR STORM WATER MAIN SHALL BE LOCATED IN THE LOT. THE SANITARY SEWER OR STORM WATER MAIN SHALL BE JOINTLY SERVED BY THE PROPERTY OWNERS SHARING SUCH STUB. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

PUBLIC RIGHT-OF-WAY SIDEWALK AND VEGETATION MAINTENANCE:

EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ADJACENT TO THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL MAINTAIN AND KEEP THE ADJACENT LANDSCAPE STRIP OF THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THE SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

EASEMENT PROVISIONS:

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ANY UTILITY COMPANY AND TO THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON LOT 1 AND 2 AS DELINEATED UPON THIS PLAT, ADJOINING THE STREET FRONTAGE OF 12 TH VENUE IN WOODBORO AND CONSULT, MAINS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER ADJACENT LOTS. THE UTILITY COMPANY SHALL BE ENTITLED TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTRICTED AND PLACED IN THE PUBLIC RECORDS. THE EASEMENTS SHALL BE SUBJECT TO CITY OF KIRKLAND REGULATIONS, AND FURTHER SUBJECT TO AGREEMENTS AND PROVISIONS BINDING UPON THE OWNERS OF SAID LOTS AND CITY IN EFFECT AT THE TIME OF PLACEMENT.

WOODY SHORT PLAT

DRAWN BY:	SW 1/4, NE 1/4, SEC 9, T.25 N, R.5 E, W.M.
C.S.	JOB NO: 07069.300
CHKD. BY:	DATE: 10-18-2007
WBR	SCALE: 1"=20'
	SHEET: 3 OF 3



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ATTACHMENT

2b

SPL 07-00026

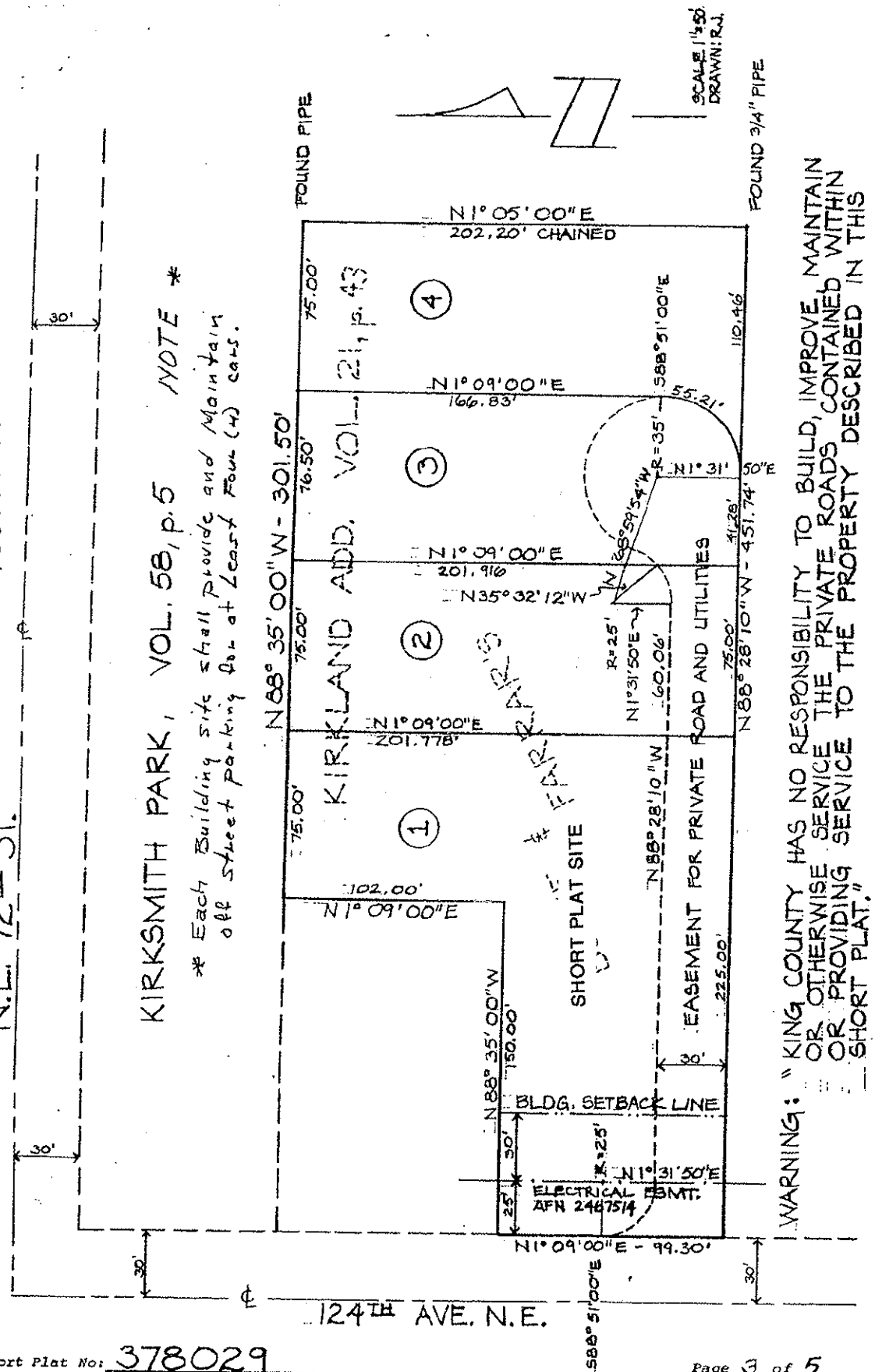
N.E. 72nd ST.

Short Plat No: 378029

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ATTACHMENT 2c

SPC07-00026



CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 10/15/2007

DEVELOPMENT STANDARDS

CASE NO.: SPL07-00026

PCD FILE NO.: SPL07-00026

*** FIRE DEPARTMENT CONDITIONS ***

Fire has no specific requirements for this short plat.

Fire flow in the area is approximately 2,500 gpm, which is adequate for the project. The existing fire hydrant located closest to the property is already equipped with a 5 inch "STORTZ" adapter coupling.

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. This requirement also applies to new single family homes; the garage is included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

BUILDING DEPARTMENT COMMENTS

Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.050

Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code ; and the Washington State Ventilation and Indoor Air Quality Code.

Structures must be designed for seismic zone III, wind speed of 80 miles per hour and exposure B.

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit #: SPL07-00026

Project Name: Woody 2-lot Short Plat

Project Address: 12420 NE 70th Ct.

Date: October 3, 2007

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

Phone: 425-587-3845 Fax: 425-587-3807

E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3853 Fax: 425-587-3807

E-mail: pvartanian@ci.kirkland.wa.us

ATTACHMENT <u>3</u>
<u>SPL07-00026</u>

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us.
2. This project will be subject to Public Works Permit and Connection Fees. At the pre-application stage, the fees can only be estimated. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees:
 - o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
 - o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
 - o Septic Tank Abandonment Inspection Fee
 - o Water Meter Fee (paid with the issuance of a Building Permit)
 - o Right-of-way Fee
 - o Review and Inspection Fee (for utilities and street improvements).
 - o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see conditions below. Note: Traffic and Park Impact Fees increase on February 1, 2008.
3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit. If a Building Permit for a new house is applied for prior to applying for the LSM Permit, the Building Permit will not be issued until a complete LSM Permit is applied for.
4. The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. Contact the Development Engineer assigned to this project to assist with this process.
5. Because this project is exempt from SEPA, it is also exempt from concurrency review.
6. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
7. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the subdivision (and subsequent Building Permits if multiple houses are demolished). The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.
8. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
9. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
10. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
11. A completeness check meeting is required prior to submittal of any Building Permit applications.
12. Seattle City Light Easements: The applicant shall notify Seattle City Light (SCL) by certified mail, return receipt requested, of their plans to subdivide the property or install improvements with a copy of the notice and the return receipt provided to the City. If the applicant does not provide documentation of SCL approval before recording of the short plat or installation of the improvement in a form acceptable to the City, the property owner shall also sign an agreement to defend, indemnify and hold

the City harmless in the event that a dispute arises between SCL and the developer, property owner, or any future property owners.

13. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer or surface water stub, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Sanitary Sewer Conditions:

1. The applicant shall extend the existing public sewer system to provide sanitary sewer service for each lot within the proposed project. Extend an 8" sewer main from 124th Ave. NE to along NE 70th Ct. to the east property limits and terminate the extension with a sewer manhole. The sewer shall be installed at 0.05% slope unless otherwise approved by the Public Works Department (plan currently depicts 4%)
2. A 20 foot wide public sanitary sewer easement encompassing the sewer main extension must be recorded against the property.
3. The existing septic system shall be abandoned per City standards.
4. Provide a 6-inch minimum side sewer stub to each lot and connect the existing home to the new sewer.

Water System Conditions:

1. The existing water main in 126th Ave. NE is adequate to serve this proposed development.
2. Provide a separate 1" minimum water service from the water main to the meter for the new lot; City of Kirkland will set the water meter.
3. The existing water service may be used provided that it is in the right location, is not galvanized, and is sized adequately to serve the building (per the Plumbing Code).
4. Provide fire hydrants per the Fire Departments requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. Contact City of Kirkland Surface Water Staff at (425) 587-3800 for help in determining drainage review requirements.

Small Site Drainage Review for Short Plats

The drainage design for short plats that create less than 5,000 square feet of new impervious surface area and clear less than 2 acres or 35% of the site, whichever is greater, should follow Policy D-3 of the Department of Public Works Pre-Approved Plans. Projects this size may require Targeted Drainage Review per Section 1.1.2 of the 1998 King County Surface Water Design Manual, depending on site conditions.

Full Drainage Review for Short Plats

The drainage design for short plats that create more than 5,000 square feet of new impervious surface area must comply with Core Requirements #1 - #8 in the 1998 King County Surface Water Design Manual.

2. The Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.

Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch

http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

3. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.

4. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between October 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.

5. As part of the roof and driveway drainage conveyance system for each new house, each lot shall contain a 10 ft. long (min.) infiltration trench with an overflow to the public storm drain system. These infiltration trenches shall be installed with the individual new houses.

6. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system. The existing home can continue to drain to the existing dispersion system provided that there are no on-site drainage problems.

7. Provide storm water collection and conveyance for the access road paving across this parcel.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 124th Ave. NE. This street is a Neighborhood Access type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

A. Widen the street to 12 ft. from centerline to face of curb (match curb alignment to the south).

B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.

2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

3. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)

4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

5. Underground all new and existing on-site utility lines and overhead transmission lines.

6. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground.

The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 124th Ave. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include a condition requiring all associated lots to sign a LID No Protest Agreement prior to the issuance of a building permit for said lot. In addition, if a house is to be saved on one of the lots within the subdivision, a LID No Protest Agreement shall be recorded against this lot at the time of subdivision recording.



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST

File: Woody Short Plat, SPL-07-00026

Subdivision Standards

22.28.030 Lot Size. Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

22.28.130 Vehicular Access Easements. The applicant shall comply with the requirements found in the Zoning Code for vehicular access easements or tracts.

22.28.210 Significant Trees. The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code. The Planning Official is authorized to require site plan alterations to retain Type 1 trees. The applicant shall retain all viable trees at the short plat approval stage and all viable trees with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the plat infrastructure improvements. The applicant shall also retain all viable trees during the development of each single family lot except for those trees required to be removed for the construction of the house and other associated site improvements. A Tree Plan III was submitted with the short plat. There are 26 significant trees on the site, 21 of which are viable trees. A minimum of 20 tree credits are required for the subject site. There are a total of 141 tree credits on the site. If at any stage of development, tree retention on the site falls below the minimum required tree density, replanting shall be required per KZC Section 95.35.

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should be at least ten feet in width.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate.

Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to Recording:

22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s)

the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

Prior to occupancy:

22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

22.32.90 Maintenance Bonds. A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

Zoning Code Standards

95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

105.20 Required Parking. Two parking spaces are required for each single-family home.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as

measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment between the hours of 8 p.m. and 7 a.m., Monday through Saturday, and all day on Sundays or holidays which are observed by the City, unless written permission is obtained from the Planning Official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

115.42 Floor Area Ratio (F.A.R.) limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones. The garage must be set back five feet from the remaining portion of the front façade of a dwelling unit if: the garage door is located on the front façade of the dwelling unit; and the lot is at least 50 feet wide at the front setback line; and the garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115.3.g Rockerries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.3.n Covered Entry Porches. In low density residential zones, covered entry porches on detached dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall not be closer than 5 feet to any side property line unless certain standards are met.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development. The signs shall be disassembled with the posts, bolts, washer, and nuts separated from the sign board.

Prior to recording:

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Prior to issuance of a grading or building permit:

95.35.2. b. (3) (b) i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.35.6 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

Prior to occupancy:

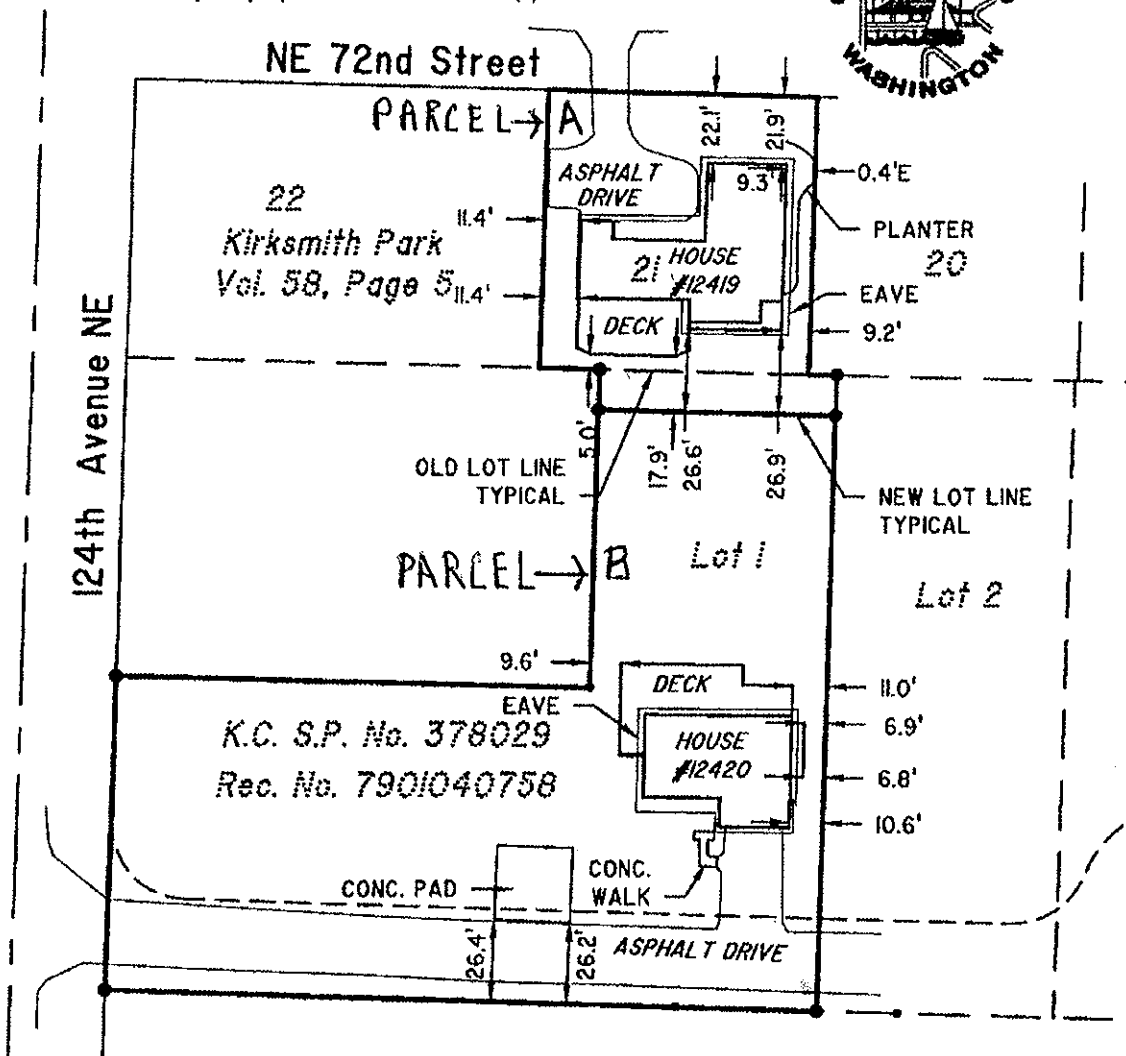
95.50 Tree Maintenance The applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

95.50.3 Maintenance of Preserved Grove The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

107.90 Maintenance Bonds. The applicant shall establish a two-year maintenance bond to ensure maintenance of the storm water system.

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

SURVEY: Must show: 1) existing lot line(s), 2) proposed lot lines alteration(s), and 3) all structures more than four (4) inches above finished grade and parking areas which are located on the lots affected by the proposed lot line alteration(s).



SEE RECORD OF SURVEY UNDER REC. # 20060424900006 FOR ADDITIONAL BOUNDARY INFORMATION.

Land Surveyor's Certificate:

Direction:

This Lot Line Alteration correctly represents a survey made by me or under my direction in Combination with the requirements of appropriate state and county statute and ordinance.

Scale: 1" = 60'

4-24-06 Mark C. Mauger
Date Signed

Certificate No.: 29217

Page 2 of 7



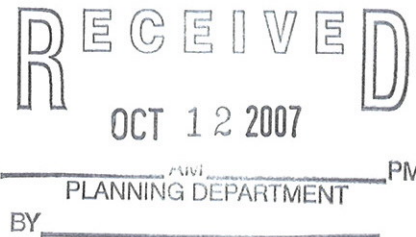
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ATTACHMENT 4

SPLOT-00026

October 11, 2008



To Whom it may concern:

This letter is in response to the proposed Land Use action to occur at 7201 124th Ave NE in Kirkland. Our property is directly adjacent to the property in question. We have significant concerns regarding this project.

They are two-fold:

1. Drainage issues.
2. Privacy issues.

In regards to the drainage issues, it is our desire to ensure that the party in question is responsible for any and all drainage problems that may affect our property as a result of the construction. We would like a written guarantee, prior to the initiation of the project, that any negative impact on are property be rectified and resolved to our satisfaction.

In regards to the privacy issues, it is our desire that all of the existing evergreen trees which border our properties remain as they currently exist. Again, we would like a written guarantee prior to the commencement of the project ensuring that no trees with a diameter greater than 6 inches be removed.

We appreciate your attention to our concerns and look forward to an amiable resolution to this matter.

Sincerely,

Varie and Dewey Prussess



ATTACHMENT	5
SPLOT-0026	



International Forestry CONSULTANTS, INC.

11415 NE 128th Street, Suite 110, Kirkland, WA 98034

TREE PLAN FOR WOODY SHORT PLAT 12420 NE 70TH COURT KIRKLAND, WA

PARCEL #1241500022



JUNE 1, 2007

ATTACHMENT <u>6</u>
<u>52607-00026</u>

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Appendix

Site/Tree Photos – pages 6 - 10

Tree Summary Table

Survey Map – Displaying Tree Locations, Tree Numbers, Drip Lines and Limits of Disturbance (To Be Incorporated onto Site Plan)

Site Plan Specifications (To Be Incorporated onto Site Plan)

1. Introduction

International Forestry Consultants (INFO) was contacted by Kevin Woody on May 17th, and was asked to compile a 'Tree Plan report' for 1 parcel located within the City of Kirkland, WA.

The proposed 2-Lot short plat encompasses the following parcel: #1241500022, known as 12420 - NE 70th Court. Our assignment is to prepare a written report on present tree conditions, which is to be filed with the preliminary permit application.

This report encompasses all the criteria set forth under the City of Kirkland's tree regulations. The required minimum tree density for the entire area (29,376 sq. ft.) is 20 tree credits.

Date of Field Examination: May 25, 2007

2. Description

A single-family dwelling exists in the southeast portion of the parcel. NE 70th Court borders the property to the south. 124th Ave. NE borders the property to the west. The topography is level. The north perimeter of Lot 2 slopes moderately down to the property line. This area is comprised mainly of native trees and vegetation, which includes vine maple. Nonnative invasive species of English ivy and blackberry were also observed in this area. There are no sensitive areas on or adjacent to the parcel.

Twenty-six significant trees were located and assessed on the parcel. The majority of these are native, coniferous species. A volunteer grouping of Norway maple is situated at the front of the property, adjacent to 124th Ave. NE. Eleven trees are situated on Lot 2, and 15 trees are situated on Lot 1.

Only one tree was identified on neighboring property whose drip line encroaches onto the subject parcel. This tree is situated approximately 8' to 10' from the west property line of lot 1. No development impacts are expected to take place near this tree.

All of the significant trees on the property have been identified with a numbered aluminum tag attached to the tree at DBH (diameter at breast height, 4 ½ feet above ground).

3. Methodology

Each tree in this report was visited. Tree diameters were measured by tape. The tree heights were measured using a Spiegel Relaskop. Each tree was visually examined for defects and vigor. The tree assessment procedure involves the examination of many factors:

- The crown of the tree is examined for current vigor. This is comprised of inspecting the crown (foliage, buds and branches) for color, density, form, and annual shoot growth, limb dieback and disease. The percentage of live crown is estimated for coniferous species only and scored appropriately.
- The bole or main stem of the tree is inspected for decay, which includes cavities, wounds, fruiting bodies of decay (conks or mushrooms), seams, insects, bleeding, callus development, broken or dead tops, structural defects and unnatural leans. Structural defects include crooks, forks with V-shaped crotches, multiple attachments, and excessive sweep.
- The root collar and roots are inspected for the presence of decay, insects and/or damage, as well as if they have been injured, undermined or exposed, or original grade has been altered.

Based on these factors, a determination of viability is made. Trees considered not viable are trees that are in a poor or declining condition due to disease, extensive decay and/or cumulative structural defects, which

exacerbate failure potential. Inspection methods included examining the trees with binoculars and sounding the trunks and surface roots with a rubber mallet. No invasive methods were used to assess conditions.

4. Observations

Detailed information for each tree can be found on the Tree Summary Table found at the back of this report. The parcel trees are discussed as follows.

Trees #1 and #2 are situated between the driveway of the existing house and the east property line. These are young deciduous varieties, likely planted after construction of the house. Both of these are in fairly good condition. No concerning defects were observed.

Trees #3 through #11 are all native western red cedars, situated in the backyard of lot #2. These are considered mature specimens. No declining conditions were observed. The crowns are comprised of dense foliage, displaying a good bright green color. Most of these have developed insignificant natural leans as they compete for sunlight and nutrients.

Tree #3 suffered a major failure during the December 14th windstorm. This involved the loss of a codominant (equal diameter) stem at approximately 25' above ground. This failure has compromised the structural stability of the remaining stem. See photo. This tree presently represents a serious hazard to the existing house on lot 2.

Tree #5 has also developed codominant stems at approximately 40' above ground. These stems appear to be fairly well attached to the main trunk, and not protruding at a narrow angle of attachment. A cavity was observed at the base. A decay column is suspected within the lower trunk. This is not necessarily concerning, as this species naturally develop internal decay as they mature. Minor decay is suspected within the lower trunks of all the mature cedars at this site. Tree #5 is a boundary line tree.

Tree #12 is a mature western hemlock. This tree has developed an unnatural lean to the northwest. Structural stability may have been compromised during the December 14th windstorm. The main trunk forks into codominant stems at 36' above ground. These stems appear to protrude from the main trunk via a narrow angle of attachment. The foliage is of fair density and good color. This tree would not be a good candidate for retention through the development of this lot, due to cumulative structural defects and a moderate to high potential for failure.

Trees #13, #14, and #16 through #21 are young to semi-mature Douglas-firs. All of these are situated on the slope near the north property line of Lot 1. Most have developed fairly good taper and form. Minor crooks were observed on the boles of most trees. These are considered minor structural defects. The crowns are displaying healthy foliage and good vigor.

Tree #16 recently lost its top at approximately 40' above ground, probably during the December 14th windstorm. It appears the break occurred at a major crook in the stem. A new leader or top is likely to regenerate at the break. Re-growth of new tops is weakly attached and should be monitored periodically. Continued preservation is reasonable at this time.

Tree #19 has developed a major crook at approximately 35' above ground. This is a mature specimen, considerably older than all of the other Douglas-fir. Failure potential is considered moderate. Swelling was observed on the lower trunk. Internal decay is suspected, likely attributable to a past injury when the tree was much younger. Continued preservation is feasible, as this tree is above the canopy and familiar with strong prevailing winds.

Tree #20 has developed very poor structure, as a result of suppression. Its growth has been severely restricted by adjacent trees. This tree would not be a good candidate for retention, due to cumulative structural defects and suppression.

Tree #15 is a semi-mature to mature red alder. The lower trunk forks into 2 stems at 1' above ground. This is not an appropriate tree species to retain near improvements, due to a low tolerance to site alterations. This pioneer species is likely to be problematic in the near future, due to a short life span and usual premature decline in urban areas.

Trees #21 through #26 are comprised of a grouping of Norway maple. All of these trees contribute to one large crown. Most have developed fairly good form and typical structure. The foliage appears healthy and of good vigor. No foliar pathogens or insect infestations were observed.

Tree #22 is made up of 2 trunks. One of these trunks forks into codominant stems, which has recently failed. See photo. The failure of this forked attachment created a split between the 2 stems, making it unsalvageable. The failed portion of the stem is hung up in the trees crown and represents a high potential for failure. This tree is considered nonviable.

The remainder of the clump is suitable for preservation. Clearance pruning will likely be required, because of the large crown spread. Tree #24 has also developed codominant stems. These appear to be fairly well attached to the main trunk. This tree should only be retained in the grouping, and not isolated or exposed.

5. Discussion

It is my understanding that no construction activity is to take place on lot #2. All of the trees on this lot are in good condition with the exception of tree #3.

Tree #3 is a serious hazard and should be removed. The failure of the codominant stem removed more than half of the circumference of the tree at the attachment. The failure pattern cannot be predicted; the top could fall in any direction. This failure represents a serious defect, which has compromised longevity.

Trees #12, #15, #20 and #22 are considered nonviable. These are not good candidates for retention through development, due to cumulative structural defects, which represent a high potential for failure. Tree #15 is nonviable due to suitability of species and structural defects.

Limits of disturbance for trees potentially impacted by construction have been evaluated on the ground. Drip lines can be found on the tree summary table at the back of this report. Recommended "Limits of Disturbance" are also provided on this table for the trees on Lot 1. There are no concerns related to construction impacts and neighboring trees.

6. Tree Protection Measures

Tree numbers, drip lines and "Limits of Disturbance" have been delineated on the site plan, found at the back of this report. This information should be transferred to the preliminary site plan that will be submitted with the preliminary permit application.

1. Tree protection fencing should be erected at the drip-lines prior to moving any heavy equipment on site. Doing this will set clearing limits and avoid compaction of soils within root zones of retained trees. Fencing should only be moved to the "Limit of Disturbance" just prior to commencement of work.
2. Any clearance pruning required should also occur before any large equipment is brought on site. Any branches that may be damaged should be tied back or properly pruned back if warranted.
3. Excavation limits should be laid out in paint on the ground to avoid over excavating.
4. Excavations within the drip-lines or up to the "Limits of Disturbance" shall be monitored by a qualified tree professional so necessary precautions can be taken to decrease impacts to tree parts. Exploratory excavations with a qualified tree professional are warranted when work is required and allowed up to the "limits of disturbance".
5. To establish sub grade for foundations, curbs and pavement sections near the trees, soil should be removed parallel to the roots and not at 90 degree angles to avoid breaking and tearing roots that lead

- back to the trunk within the drip-line. Any roots damaged during these excavations should be exposed to sound tissue and cut cleanly with a saw. Cutting tools should be sterilized with alcohol.
6. Areas excavated within the drip-line of retained trees should be thoroughly irrigated weekly during dry periods.

Recommendations for Tree Retention & Preservation during Construction

One of the most important steps in successful tree retention during development is to allow adequate growing space for trees to remain healthy and vigorous.

The following guidelines are recommended to ensure that the designated space set aside for the preserved trees are protected and construction impacts are kept to a minimum.

Standards have been set forth under Kirkland Zoning Code 95.35.6 of Chapter 95. Please review these standards prior to any development activity.

1. Tree protection guidelines should be incorporated into work contracts and monetary penalties should be imposed when they are not complied with. This will make workers aware of the importance of preserving tree health.
2. Clearance pruning should be completed prior to demolition/construction. This will provide clearance for equipment and decrease the risk of branches becoming damaged and injured.
3. Temporary chain-link fencing at least 4' high is to be erected around trees to be retained to define tree protection zones. This will help to minimize injury to preserved roots and to avoid the risk of soils becoming compacted by large equipment within the root zones. All materials, equipment and spoils should be kept outside of the fenced areas.
4. Work that is to take place within the tree protection areas should be supervised by a qualified professional so necessary precaution to protect the tree can be taken. Work can be successfully performed within the drip-line if done carefully and correctly.
5. If unexpected injuries occur to trees during construction, they should be evaluated as soon as possible so that appropriate treatments can be applied.
6. Fences should remain onsite until completion of construction and the Planning Official authorizes their removal.

7. Tree Replacement

It is not likely that supplemental trees will need to be planted to meet the minimum tree density requirement for the new lot. However, tree plantings may be preferred to enhance new landscaping. The site is suitable for a large variety of ornamental and native tree species. Refer to the *Kirkland Plant List* for desirable species.

For ornamental trees to be planted in the front and side yards, trees that mature at 20 to 40 feet are recommended. These trees could include the many cultivated varieties of red maple, cherry, plum, Callery pear, crab apple, ash, hawthorn, dogwood, and magnolia. Japanese stewardia, European hornbeam, Tartarian maple, or Amur maple are also smaller noteworthy specimen trees.

The required minimum size of supplemental trees shall be at least 6 feet in height for conifer species and at least 2 inches in caliper for deciduous trees. Caliper is measured at 1-foot above ground. For planting and maintenance specifications, refer to chapters 95.45 and 95.50 of the Kirkland Zoning Code.

8. Monitoring Tree Health

As your trees mature, you should be aware of the following conditions that may be indicators of declining tree health.

- Appearance of fungal fruiting bodies which will appear as small “shelves” on the bole and branches or mushroom-like growths near the base of the tree.
- Dead or soft flaky wood in cavities or under the bark.
- Thinning crowns.
- The appearance of yellow or orange needles other than near the stem. (Cedar trees may exhibit orange needles in the fall; called “flagging” that is a normal response to drought and not a symptom of long-term decline.)
- Leaning stems, extraordinary bark flaking, stem swelling or any other abnormalities on the bole.
- Extraordinary cone production.
- Insect entry holes. These are about the size of a pencil lead and probably are accompanied by “sawdust”.
- Premature leaf-fall or the appearance of dead limb tips. Droopy top or thinning crown. Dying treetop.

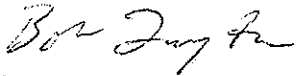
There is no warranty suggested for any of the trees subject to this report. Weather, latent tree conditions, and future man-caused activities could cause physiologic changes and deteriorating tree condition. Over time, deteriorating tree conditions may appear and there may be conditions, which are not now visible which, could cause tree failure. This report or the verbal comments made at the site in no way warrant the structural stability or long term condition of any tree, but represent my opinion based on the observations made.

Nearly all trees in any condition standing within reach of improvements or human use areas represent hazards that could lead to damage or injury.

The client is encouraged to contact his/her local government jurisdiction to get information regarding permits required before removing or trimming trees and shrubs.

Please call if you have any questions or I can be of further assistance.

Sincerely,



Bob Layton
Certified Arborist #PN-2714A

Codominant stem failure of Tree #3



Forked top of Tree #5 – fairly stable



View of tree crowns from NE 70th Court



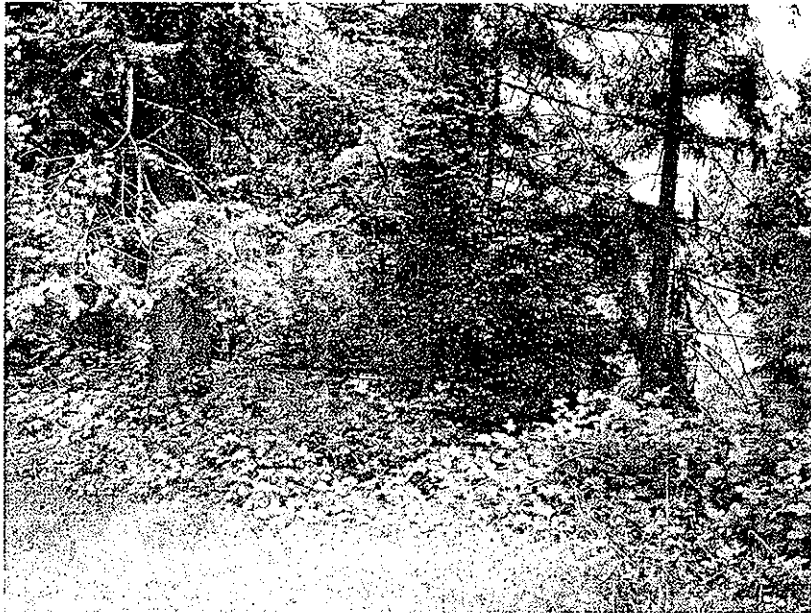
Forked top of Tree #12



Tree #15 – forked at 1'/poor structure



Douglas-fir trees on slope of north perimeter



Recent broken top of Tree #16



Failure of Tree #22 - irreparable



Norway maple grouping at front of property



Tree #19





Tree Summary Table

For: Kevin Woody

12420 NE 70th Court

Kirkland

International Forestry Consultants, Inc

Date: 5/25/2007

Inspector: Layton

Tree/Tag # Species	Native/ Planted/ Volume	DBH	Height	Tree Credit	Drip-Line/Limits of Disturbance (feet)						Condition	Viability	Comments
					N	S	E	W					
1 European white birch	P	13	42	2.5	9	10	7	6			good-fair	viable	clump of 3 stems
2 Japanese maple	P	6	14	1	8	9	5	8			good	viable	2 stems
3 western red cedar	N	34	96	na	12	12	13	12			fair	nonviable	recent codominant stem failure
4 western red cedar	N	35	92	13.5	12	12	14	12			excellent	viable	excellent taper/color
5 western red cedar	N	31	106	11.5	12	13	na	17			fair	viable	near property line
6 western red cedar	N	25	84	8.5	15	11	10	14			good	viable	slight lean to NW/ good taper
7 western red cedar	N	40	102	16	13	14	15	14			excellent	viable	good color/taper
8 western red cedar	N	42	114	17	13	15	12	na			good	viable	minor decay in lower trunk suspected
9 western red cedar	N	41	117	16.5	14	17	9	na			good	viable	cavity at base-east side/moderate decay
10 western red cedar	N	23	85	7.5	11	5	12	12/10			fair-good	viable	minor decay in lower trunk suspected
11 western red cedar	N	27	92	9.5	5	14	10	12/10			fair-good	viable	minor decay in lower trunk suspected
12 western hemlock	N	26	87	na	16/na	14/na	14/na	16/na			fair	nonviable	unnatural lean
13 Douglas-fir	N	13	63	2.5	12	8/8	8/8	8/8			good	viable	young/sound-no concerns
14 Douglas-fir	N	11	61	1.5	na	6/8	5/8	10/8			good-fair	viable	minor crooks on lower trunk
15 red alder	N	19	48	na	13	15/na	8/na	7/na			fair	nonviable	forks at 1' into 2 stems
16 Douglas-fir	N	14	40	3	12	10/8	9/8	11/8			fair	viable	slight lean to NW/ broken top
17 Douglas-fir	N	9	43	1	9	7/7	6/7	5/7			fair-good	viable	natural lean to north/minor crooks
18 Douglas-fir	N	12	54	2	12	7/8	6/8	8/8			good	viable	remove ivy from trunk
19 Douglas-fir	N	29	113	10.5	16	20/15	16/12	19/12			fair-good	viable	multiple crooks
20 Douglas-fir	N	11	68	na	6	7/6	4/6	8/6			fair	nonviable	natural lean to west
21 Douglas-fir	N	19	80	5.5	14/na	14/12	9/10	15/10			good	viable	good form/no concerns
22 Norway maple	V	29	64	na	25/na	10/na	22/na	24/na			poor	nonviable	2 trunks-16", 13"
23 Norway maple	V	11	60	1.5	0/8	16/na	0/10	15/na			fair	viable	interior tree
24 Norway maple	V	13	60	2.5	0/10	14/na	0/na	20/12			fair	viable	codominant stems at 9', retain in grouping
25 Norway maple	V	16	64	4	0/na	30/14	24/15	20/14			good	viable	natural lean south
26 Norway maple	V	15	64	3.5	12/na	25/15	23/12	0/12			good	viable	natural lean east

Parcel Trees - Drip-Line and Limits of Disturbance measurements from face of trunk

Trees on neighboring properties - Drip-Line and Limits of Disturbance measurements from property line

City of Kirkland-Tree Protection Standards

1. Tree Protection Fencing shall be erected at prescribed distance per arborist report. Fences shall be constructed of chain link and be at least 4 feet high.
2. Install highly visible signs on protection fencing spaced no further than 15 feet apart. Signs shall state "Tree Protection Area-Entrance Prohibited", and "City of Kirkland" code enforcement phone number.
3. No work shall be performed within protection fencing unless approved by Planning Official. In such cases, activities will be approved and supervised by a "Qualified Professional".
4. The original grade shall not be elevated or reduced within protection fencing without the Planning Official authorization based on recommendations from a qualified professional.
5. No building materials, spoils, chemicals or substances of any kind will be permitted within protection fencing.
6. Protection Fencing shall be maintained until the Planning Official authorizes its removal.
7. Ensure that any approved landscaping within the protected zone subsequent to the approved removal of protection fencing be performed with light machinery or hand labor.

In addition to the above, the Planning Official may require the following:

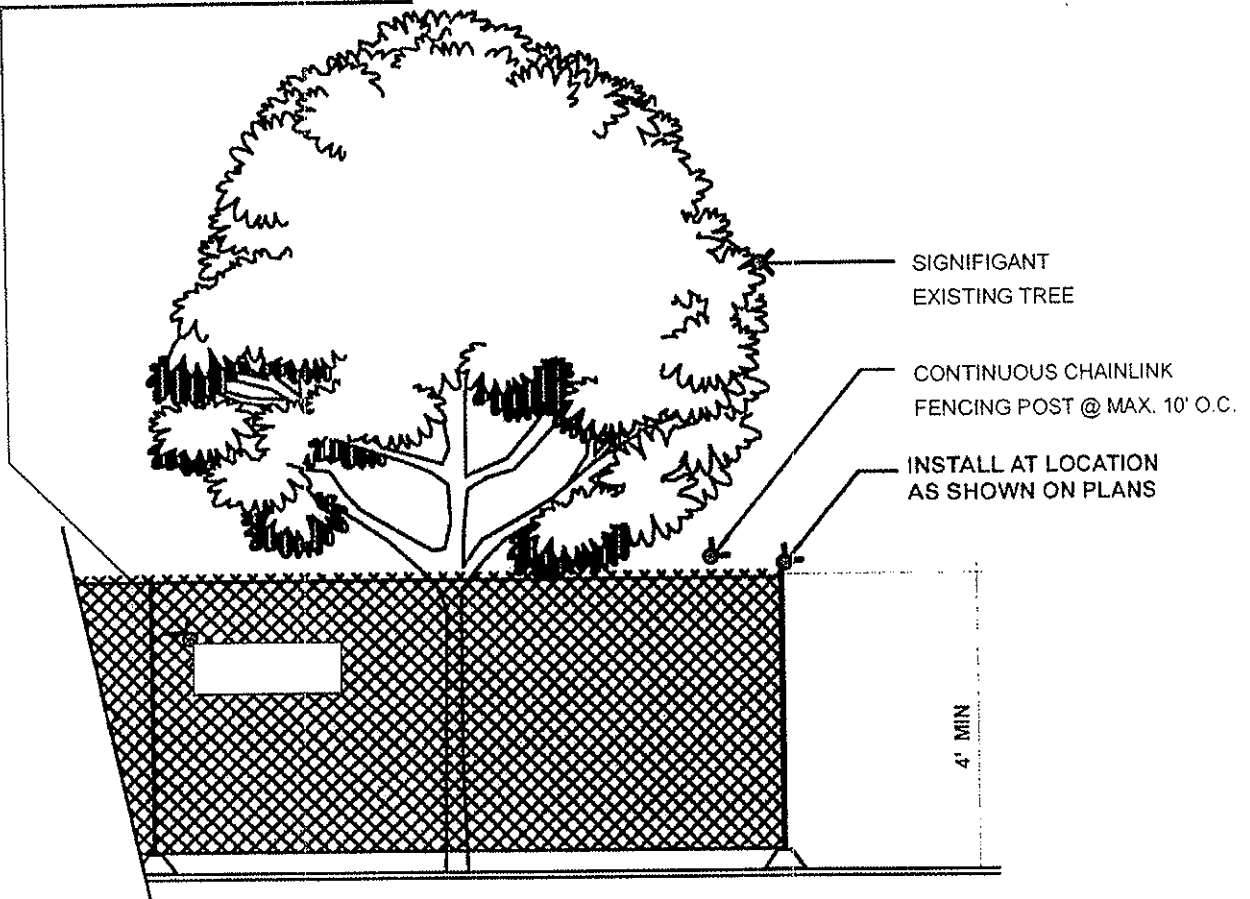
- a. If equipment is authorized to operate within the root zone, the area will be mulched to a depth of 6" or covered with plywood or similar material to protect roots from damage caused by heavy equipment.
- b. Minimize root damage by excavating a 2-foot deep trench, at edge of protection fencing to cleanly sever the roots of protected trees.
- c. Corrective pruning to avoid damage from machinery or building activity.
- d. Maintenance of trees throughout construction period by watering.

Trees on Parcel

Tag #	Species	DBH	Condition	Viability
1	European white birch	13	good-fair	viable
2	Japanese maple	6	good	viable
3	western red cedar	34	fair	nonviable
4	western red cedar	35	excellent	viable
5	western red cedar	31	fair	viable
6	western red cedar	25	good	viable
7	western red cedar	40	excellent	viable
8	western red cedar	42	good	viable
9	western red cedar	41	good	viable
10	western red cedar	23	fair-good	viable
11	western red cedar	27	fair-good	viable
12	western hemlock	26	fair	nonviable
13	Douglas-fir	13	good	viable
14	Douglas-fir	11	good-fair	viable
15	red alder	19	fair	nonviable
16	Douglas-fir	14	fair	viable
17	Douglas-fir	9	fair-good	viable
18	Douglas-fir	12	good	viable
19	Douglas-fir	29	fair-good	viable
20	Douglas-fir	11	fair	nonviable
21	Douglas-fir	19	good	viable
22	Norway maple	29	poor	nonviable
23	Norway maple	11	fair	viable
24	Norway maple	13	fair	viable
25	Norway maple	16	good	viable
26	Norway maple	15	good	viable

FENCING SIGN DETAIL

Tree Protection Area, Entrance Prohibited
To report violations contact
City Code Enforcement
at (425)587-3225



1. MINIMUM FOUR (4) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE (S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.
3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.



**TREE PROTECTION
FENCING DETAIL**

425-827-3824

September 20, 2007

Ron Hanson
City of Kirkland Planning Department
123 Fifth Avenue
Kirkland, WA 98033

Re: Smith Buffer Modification on Forbes Creek – proposal for environmental consulting services

Dear Ron:

This letter shall serve as our proposal for environmental review scope and services for the above referenced project. Under this proposal we will provide the following work tasks with estimated hours by task. This proposal covers both a one-time as-built inspection and memorandum, plus annual monitoring inspections and reports for five years. We have typically realized an annual cost increase for our services of between 3 and 5 percent. These cost increases are incorporated into our five-year total costs.

As-built inspection and memorandum

Staff	Hourly Rate	Task	Estimated Hours	Cost
HM	\$115	Preliminary review: respond to planner, send out proposal	1.5	\$172.50
CH	\$75	Set up file	0.5	\$37.50
SB	\$65	Review mitigation plan	3	\$195.00
HM	\$115	Site visit to evaluate the installation and set up the 3 transects noted in the plans	3	\$345.00
SB	\$65	Site visit to evaluate the installation and set up the 3 transects noted in the plans	3	\$195.00
SB	\$65	Prepare memorandum documenting the adequacy of the installation	4	\$260.00
SB	\$65	Communication with consultant and planner	1	\$65.00
HM	\$115	Internal review	1	\$115.00
			Total:	\$1,385.00

Annual monitoring inspections and report

Staff	Hourly Rate	Task	Estimated Hours	Cost
SB	\$65	Review mitigation plan monitoring requirements	0.75	\$48.75
SB	\$65	Site visit to conduct annual monitoring (spring site visit)	2	\$130.00
SB	\$65	Site visit to conduct annual monitoring (summer site visit)	4	\$260.00
SB	\$65	Site visit to conduct annual monitoring (summer site visit)	4	\$260.00
SB	\$65	Prepare annual monitoring report	8	\$520.00
SB	\$65	Communication with consultant and planner	1	\$65.00
HM	\$115	Internal review	1	\$115.00
			Total:	\$1,398.75

Annual cost breakdown

Year 1 (2008)	\$1,454.70
Year 2 (2009)	\$1,512.89
Year 3 (2010)	\$1,573.40
Year 4 (2011)	\$1,636.34
Year 5 (2012)	\$1,701.79
Annual monitoring total:	\$7,879.12
As-built study total	\$1,385.00
Total cost:	\$9,264.12

The cost to complete the work as described above will not exceed \$9,264.12 without prior written amendment to this task authorization.

This proposal is valid for 6 months from the date prepared.

Please call with any questions.

Sincerely,



A. William Way
President

City of Kirkland

Date

Staff initial Key: HM = Hugh Mortensen, PWS Senior Ecologist
SB = Staff Biologist

→ staggered payment -
→ appl on site during inspection?
* hold hardware *
→ BUG - Drew/Tom